



Rep. Monique D. Davis

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LRB094 07551 RLC 46883 a

1 AMENDMENT TO HOUSE BILL 1752

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1752 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Sections 12-13, 12-14, 12-14.1, 12-15, 12-16, and  
6 12-33 as follows:

7 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

8 Sec. 12-13. Criminal Sexual Assault.

9 (a) The accused commits criminal sexual assault if he or  
10 she:

11 (1) commits an act of sexual penetration by the use of  
12 force or threat of force; or

13 (2) commits an act of sexual penetration and the  
14 accused knew that the victim was unable to understand the  
15 nature of the act or was unable to give knowing consent; or

16 (3) commits an act of sexual penetration with a victim  
17 who was under 18 years of age when the act was committed  
18 and the accused was a family member; or

19 (4) commits an act of sexual penetration with a victim  
20 who was at least 13 years of age but under 18 years of age  
21 when the act was committed and the accused was 17 years of  
22 age or over and held a position of trust, authority or  
23 supervision in relation to the victim.

24 (b) Sentence.

1           (1) Criminal sexual assault is a separate class of  
2 felony for which a term of natural life imprisonment shall  
3 be imposed ~~a Class 1 felony.~~

4           (2) (Blank) ~~A person who is convicted of the offense of~~  
5 ~~criminal sexual assault as defined in paragraph (a)(1) or~~  
6 ~~(a)(2) after having previously been convicted of the~~  
7 ~~offense of criminal sexual assault, or who is convicted of~~  
8 ~~the offense of criminal sexual assault as defined in~~  
9 ~~paragraph (a)(1) or (a)(2) after having previously been~~  
10 ~~convicted under the laws of this State or any other state~~  
11 ~~of an offense that is substantially equivalent to the~~  
12 ~~offense of criminal sexual assault, commits a Class X~~  
13 ~~felony for which the person shall be sentenced to a term of~~  
14 ~~imprisonment of not less than 30 years and not more than 60~~  
15 ~~years. The commission of the second or subsequent offense~~  
16 ~~is required to have been after the initial conviction for~~  
17 ~~this paragraph (2) to apply.~~

18           (3) (Blank) ~~A person who is convicted of the offense of~~  
19 ~~criminal sexual assault as defined in paragraph (a)(1) or~~  
20 ~~(a)(2) after having previously been convicted of the~~  
21 ~~offense of aggravated criminal sexual assault or the~~  
22 ~~offense of predatory criminal sexual assault of a child, or~~  
23 ~~who is convicted of the offense of criminal sexual assault~~  
24 ~~as defined in paragraph (a)(1) or (a)(2) after having~~  
25 ~~previously been convicted under the laws of this State or~~  
26 ~~any other state of an offense that is substantially~~  
27 ~~equivalent to the offense of aggravated criminal sexual~~  
28 ~~assault or the offense of criminal predatory sexual assault~~  
29 ~~shall be sentenced to a term of natural life imprisonment.~~  
30 ~~The commission of the second or subsequent offense is~~  
31 ~~required to have been after the initial conviction for this~~  
32 ~~paragraph (3) to apply.~~

33           (4) (Blank) ~~A second or subsequent conviction for a~~  
34 ~~violation of paragraph (a)(3) or (a)(4) or under any~~

1 ~~similar statute of this State or any other state for any~~  
2 ~~offense involving criminal sexual assault that is~~  
3 ~~substantially equivalent to or more serious than the sexual~~  
4 ~~assault prohibited under paragraph (a)(3) or (a)(4) is a~~  
5 ~~Class X felony.~~

6 (5) (Blank) ~~When a person has any such prior~~  
7 ~~conviction, the information or indictment charging that~~  
8 ~~person shall state such prior conviction so as to give~~  
9 ~~notice of the State's intention to treat the charge as a~~  
10 ~~Class X felony. The fact of such prior conviction is not an~~  
11 ~~element of the offense and may not be disclosed to the jury~~  
12 ~~during trial unless otherwise permitted by issues properly~~  
13 ~~raised during such trial.~~

14 (Source: P.A. 90-396, eff. 1-1-98.)

15 (720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

16 Sec. 12-14. Aggravated Criminal Sexual Assault.

17 (a) The accused commits aggravated criminal sexual assault  
18 if he or she commits criminal sexual assault and any of the  
19 following aggravating circumstances existed during, or for the  
20 purposes of paragraph (7) of this subsection (a) as part of the  
21 same course of conduct as, the commission of the offense:

22 (1) the accused displayed, threatened to use, or used a  
23 dangerous weapon, other than a firearm, or any object  
24 fashioned or utilized in such a manner as to lead the  
25 victim under the circumstances reasonably to believe it to  
26 be a dangerous weapon; or

27 (2) the accused caused bodily harm, except as provided  
28 in subsection (a)(10), to the victim; or

29 (3) the accused acted in such a manner as to threaten  
30 or endanger the life of the victim or any other person; or

31 (4) the criminal sexual assault was perpetrated during  
32 the course of the commission or attempted commission of any  
33 other felony by the accused; or

1 (5) the victim was 60 years of age or over when the  
2 offense was committed; or

3 (6) the victim was a physically handicapped person; or

4 (7) the accused delivered (by injection, inhalation,  
5 ingestion, transfer of possession, or any other means) to  
6 the victim without his or her consent, or by threat or  
7 deception, and for other than medical purposes, any  
8 controlled substance; or

9 (8) the accused was armed with a firearm; or

10 (9) the accused personally discharged a firearm during  
11 the commission of the offense; or

12 (10) the accused, during the commission of the offense,  
13 personally discharged a firearm that proximately caused  
14 great bodily harm, permanent disability, permanent  
15 disfigurement, or death to another person.

16 (b) The accused commits aggravated criminal sexual assault  
17 if the accused was under 17 years of age and (i) commits an act  
18 of sexual penetration with a victim who was under 9 years of  
19 age when the act was committed; or (ii) commits an act of  
20 sexual penetration with a victim who was at least 9 years of  
21 age but under 13 years of age when the act was committed and  
22 the accused used force or threat of force to commit the act.

23 (c) The accused commits aggravated criminal sexual assault  
24 if he or she commits an act of sexual penetration with a victim  
25 who was a severely or profoundly mentally retarded person at  
26 the time the act was committed.

27 (d) Sentence.

28 (1) Aggravated criminal sexual assault in violation of  
29 paragraph (1), (2), (3), (4), (5), (6), ~~or~~ (7), (8), (9),  
30 or (10) of subsection (a) or in violation of subsection ~~(b)~~  
31 ~~or~~ (c) is a separate class of felony for which a term of  
32 natural life imprisonment shall be imposed ~~a Class X~~  
33 ~~felony~~. Aggravated criminal sexual assault in violation of  
34 subsection (b) is a Class X felony. ~~A violation of~~

1 ~~subsection (a)(1) is a Class X felony for which 10 years~~  
2 ~~shall be added to the term of imprisonment imposed by the~~  
3 ~~court. A violation of subsection (a)(8) is a Class X felony~~  
4 ~~for which 15 years shall be added to the term of~~  
5 ~~imprisonment imposed by the court. A violation of~~  
6 ~~subsection (a)(9) is a Class X felony for which 20 years~~  
7 ~~shall be added to the term of imprisonment imposed by the~~  
8 ~~court. A violation of subsection (a)(10) is a Class X~~  
9 ~~felony for which 25 years or up to a term of natural life~~  
10 ~~imprisonment shall be added to the term of imprisonment~~  
11 ~~imposed by the court.~~

12 (2) (Blank) ~~A person who is convicted of a second or~~  
13 ~~subsequent offense of aggravated criminal sexual assault,~~  
14 ~~or who is convicted of the offense of aggravated criminal~~  
15 ~~sexual assault after having previously been convicted of~~  
16 ~~the offense of criminal sexual assault or the offense of~~  
17 ~~predatory criminal sexual assault of a child, or who is~~  
18 ~~convicted of the offense of aggravated criminal sexual~~  
19 ~~assault after having previously been convicted under the~~  
20 ~~laws of this or any other state of an offense that is~~  
21 ~~substantially equivalent to the offense of criminal sexual~~  
22 ~~assault, the offense of aggravated criminal sexual assault~~  
23 ~~or the offense of predatory criminal sexual assault of a~~  
24 ~~child, shall be sentenced to a term of natural life~~  
25 ~~imprisonment. The commission of the second or subsequent~~  
26 ~~offense is required to have been after the initial~~  
27 ~~conviction for this paragraph (2) to apply.~~

28 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502,  
29 eff. 12-19-01; 92-721, eff. 1-1-03.)

30 (720 ILCS 5/12-14.1)

31 Sec. 12-14.1. Predatory criminal sexual assault of a child.

32 (a) The accused commits predatory criminal sexual assault  
33 of a child if:

1 (1) the accused was 17 years of age or over and commits  
2 an act of sexual penetration with a victim who was under 13  
3 years of age when the act was committed; or

4 (1.1) the accused was 17 years of age or over and,  
5 while armed with a firearm, commits an act of sexual  
6 penetration with a victim who was under 13 years of age  
7 when the act was committed; or

8 (1.2) the accused was 17 years of age or over and  
9 commits an act of sexual penetration with a victim who was  
10 under 13 years of age when the act was committed and,  
11 during the commission of the offense, the accused  
12 personally discharged a firearm; or

13 (2) the accused was 17 years of age or over and commits  
14 an act of sexual penetration with a victim who was under 13  
15 years of age when the act was committed and the accused  
16 caused great bodily harm to the victim that:

17 (A) resulted in permanent disability; or

18 (B) was life threatening; or

19 (3) the accused was 17 years of age or over and commits  
20 an act of sexual penetration with a victim who was under 13  
21 years of age when the act was committed and the accused  
22 delivered (by injection, inhalation, ingestion, transfer  
23 of possession, or any other means) to the victim without  
24 his or her consent, or by threat or deception, and for  
25 other than medical purposes, any controlled substance.

26 (b) Sentence.

27 (1) Predatory criminal sexual assault of a child is ~~A~~  
28 ~~person convicted of a violation of subsection (a)(1)~~  
29 ~~commits a separate class of felony for which a term of~~  
30 ~~natural life imprisonment shall be imposed a Class X~~  
31 ~~felony. A person convicted of a violation of subsection~~  
32 ~~(a)(1.1) commits a Class X felony for which 15 years shall~~  
33 ~~be added to the term of imprisonment imposed by the court.~~  
34 ~~A person convicted of a violation of subsection (a)(1.2)~~

1 ~~commits a Class X felony for which 20 years shall be added~~  
2 ~~to the term of imprisonment imposed by the court. A person~~  
3 ~~convicted of a violation of subsection (a) (2) commits a~~  
4 ~~Class X felony for which the person shall be sentenced to a~~  
5 ~~term of imprisonment of not less than 50 years or up to a~~  
6 ~~term of natural life imprisonment.~~

7 (1.1) (Blank) ~~A person convicted of a violation of~~  
8 ~~subsection (a) (3) commits a Class X felony for which the~~  
9 ~~person shall be sentenced to a term of imprisonment of not~~  
10 ~~less than 50 years and not more than 60 years.~~

11 (1.2) (Blank) ~~A person convicted of predatory criminal~~  
12 ~~sexual assault of a child committed against 2 or more~~  
13 ~~persons regardless of whether the offenses occurred as the~~  
14 ~~result of the same act or of several related or unrelated~~  
15 ~~acts shall be sentenced to a term of natural life~~  
16 ~~imprisonment.~~

17 (2) (Blank) ~~A person who is convicted of a second or~~  
18 ~~subsequent offense of predatory criminal sexual assault of~~  
19 ~~a child, or who is convicted of the offense of predatory~~  
20 ~~criminal sexual assault of a child after having previously~~  
21 ~~been convicted of the offense of criminal sexual assault or~~  
22 ~~the offense of aggravated criminal sexual assault, or who~~  
23 ~~is convicted of the offense of predatory criminal sexual~~  
24 ~~assault of a child after having previously been convicted~~  
25 ~~under the laws of this State or any other state of an~~  
26 ~~offense that is substantially equivalent to the offense of~~  
27 ~~predatory criminal sexual assault of a child, the offense~~  
28 ~~of aggravated criminal sexual assault or the offense of~~  
29 ~~criminal sexual assault, shall be sentenced to a term of~~  
30 ~~natural life imprisonment. The commission of the second or~~  
31 ~~subsequent offense is required to have been after the~~  
32 ~~initial conviction for this paragraph (2) to apply.~~

33 (Source: P.A. 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16,  
34 eff. 6-28-01.)

1 (720 ILCS 5/12-15) (from Ch. 38, par. 12-15)

2 Sec. 12-15. Criminal sexual abuse.

3 (a) The accused commits criminal sexual abuse if he or she:

4 (1) commits an act of sexual conduct by the use of  
5 force or threat of force; or

6 (2) commits an act of sexual conduct and the accused  
7 knew that the victim was unable to understand the nature of  
8 the act or was unable to give knowing consent.

9 (b) The accused commits criminal sexual abuse if the  
10 accused was under 17 years of age and commits an act of sexual  
11 penetration or sexual conduct with a victim who was at least 9  
12 years of age but under 17 years of age when the act was  
13 committed.

14 (c) The accused commits criminal sexual abuse if he or she  
15 commits an act of sexual penetration or sexual conduct with a  
16 victim who was at least 13 years of age but under 17 years of  
17 age and the accused was less than 5 years older than the  
18 victim.

19 (d) Sentence. Criminal sexual abuse for a violation of  
20 subsection (b) or (c) of this Section is a Class A misdemeanor.  
21 Criminal sexual abuse for a violation of paragraph (1) or (2)  
22 of subsection (a) of this Section is a separate class of felony  
23 for which a term of natural life imprisonment shall be imposed  
24 ~~a Class 4 felony. A second or subsequent conviction for a~~  
25 ~~violation of subsection (a) of this Section is a Class 2~~  
26 ~~felony. For purposes of this Section it is a second or~~  
27 ~~subsequent conviction if the accused has at any time been~~  
28 ~~convicted under this Section or under any similar statute of~~  
29 ~~this State or any other state for any offense involving sexual~~  
30 ~~abuse or sexual assault that is substantially equivalent to or~~  
31 ~~more serious than the sexual abuse prohibited under this~~  
32 ~~Section.~~

33 (Source: P.A. 91-389, eff. 1-1-00.)

1 (720 ILCS 5/12-16) (from Ch. 38, par. 12-16)

2 Sec. 12-16. Aggravated Criminal Sexual Abuse.

3 (a) The accused commits aggravated criminal sexual abuse if  
4 he or she commits criminal sexual abuse as defined in  
5 subsection (a) of Section 12-15 of this Code and any of the  
6 following aggravating circumstances existed during, or for the  
7 purposes of paragraph (7) of this subsection (a) as part of the  
8 same course of conduct as, the commission of the offense:

9 (1) the accused displayed, threatened to use or used a  
10 dangerous weapon or any object fashioned or utilized in  
11 such a manner as to lead the victim under the circumstances  
12 reasonably to believe it to be a dangerous weapon; or

13 (2) the accused caused bodily harm to the victim; or

14 (3) the victim was 60 years of age or over when the  
15 offense was committed; or

16 (4) the victim was a physically handicapped person; or

17 (5) the accused acted in such a manner as to threaten  
18 or endanger the life of the victim or any other person; or

19 (6) the criminal sexual abuse was perpetrated during  
20 the course of the commission or attempted commission of any  
21 other felony by the accused; or

22 (7) the accused delivered (by injection, inhalation,  
23 ingestion, transfer of possession, or any other means) to  
24 the victim without his or her consent, or by threat or  
25 deception, and for other than medical purposes, any  
26 controlled substance.

27 (b) The accused commits aggravated criminal sexual abuse if  
28 he or she commits an act of sexual conduct with a victim who  
29 was under 18 years of age when the act was committed and the  
30 accused was a family member.

31 (c) The accused commits aggravated criminal sexual abuse  
32 if:

33 (1) the accused was 17 years of age or over and (i)

1 commits an act of sexual conduct with a victim who was  
2 under 13 years of age when the act was committed; or (ii)  
3 commits an act of sexual conduct with a victim who was at  
4 least 13 years of age but under 17 years of age when the  
5 act was committed and the accused used force or threat of  
6 force to commit the act; or

7 (2) the accused was under 17 years of age and (i)  
8 commits an act of sexual conduct with a victim who was  
9 under 9 years of age when the act was committed; or (ii)  
10 commits an act of sexual conduct with a victim who was at  
11 least 9 years of age but under 17 years of age when the act  
12 was committed and the accused used force or threat of force  
13 to commit the act.

14 (d) The accused commits aggravated criminal sexual abuse if  
15 he or she commits an act of sexual penetration or sexual  
16 conduct with a victim who was at least 13 years of age but  
17 under 17 years of age and the accused was at least 5 years  
18 older than the victim.

19 (e) The accused commits aggravated criminal sexual abuse if  
20 he or she commits an act of sexual conduct with a victim who  
21 was a severely or profoundly mentally retarded person at the  
22 time the act was committed.

23 (f) The accused commits aggravated criminal sexual abuse if  
24 he or she commits an act of sexual conduct with a victim who  
25 was at least 13 years of age but under 18 years of age when the  
26 act was committed and the accused was 17 years of age or over  
27 and held a position of trust, authority or supervision in  
28 relation to the victim.

29 (g) Sentence. Aggravated criminal sexual abuse in  
30 violation of paragraph (1), (2), (3), (4), (5), (6), or (7) of  
31 subsection (a) or in violation of paragraph (1) of subsection  
32 (c) or in violation of subsection (b), (d), (e), or (f) of this  
33 Section is a separate class of felony for which a term of  
34 natural life imprisonment shall be imposed. Aggravated

1 criminal sexual abuse in violation of paragraph (2) of  
2 subsection (c) is a Class 2 felony.

3 (Source: P.A. 92-434, eff. 1-1-02.)

4 (720 ILCS 5/12-33) (from Ch. 38, par. 12-33)  
5 Sec. 12-33. Ritualized abuse of a child.

6 (a) A person is guilty of ritualized abuse of a child when  
7 he or she commits any of the following acts with, upon, or in  
8 the presence of a child as part of a ceremony, rite or any  
9 similar observance:

10 (1) actually or in simulation, tortures, mutilates, or  
11 sacrifices any warm-blooded animal or human being;

12 (2) forces ingestion, injection or other application  
13 of any narcotic, drug, hallucinogen or anaesthetic for the  
14 purpose of dulling sensitivity, cognition, recollection  
15 of, or resistance to any criminal activity;

16 (3) forces ingestion, or external application, of  
17 human or animal urine, feces, flesh, blood, bones, body  
18 secretions, nonprescribed drugs or chemical compounds;

19 (4) involves the child in a mock, unauthorized or  
20 unlawful marriage ceremony with another person or  
21 representation of any force or deity, followed by sexual  
22 contact with the child;

23 (5) places a living child into a coffin or open grave  
24 containing a human corpse or remains;

25 (6) threatens death or serious harm to a child, his or  
26 her parents, family, pets, or friends that instills a  
27 well-founded fear in the child that the threat will be  
28 carried out; or

29 (7) unlawfully dissects, mutilates, or incinerates a  
30 human corpse.

31 (b) The provisions of this Section shall not be construed  
32 to apply to:

33 (1) lawful agricultural, animal husbandry, food

1 preparation, or wild game hunting and fishing practices and  
2 specifically the branding or identification of livestock;

3 (2) the lawful medical practice of male circumcision or  
4 any ceremony related to male circumcision;

5 (3) any state or federally approved, licensed, or  
6 funded research project; or

7 (4) the ingestion of animal flesh or blood in the  
8 performance of a religious service or ceremony.

9 (c) Ritualized abuse of a child is a separate class of  
10 felony for which a term of natural life imprisonment shall be  
11 imposed ~~a Class 1 felony for a first offense. A second or~~  
12 ~~subsequent conviction for ritualized abuse of a child is a~~  
13 ~~Class X felony for which the offender may be sentenced to a~~  
14 ~~term of natural life imprisonment.~~

15 (d) For the purposes of this Section, "child" means any  
16 person under 18 years of age.

17 (Source: P.A. 90-88, eff. 1-1-98.)".